



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Docket No.:

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NOV 05 2002  
TECH CENTER 1600 2800  
101-7-2

Examiner : M. Walicka  
Group Art Unit : 1652  
Applicant : Paulus Quax et al.  
Appln. Number : 09/423,838  
Filed : Feb/ 22, 2000  
For : Method and Construct for Inhibition of Cell Migration

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OFFICE OF PETITIONS

DECLARATION OF BRUCE S. LONDA

I, Bruce S. Londa, hereby declare as follows:

1. I am a U.S. citizen residing in Brooklyn, New York
2. I am a registered U.S. Patent Attorney, reg. no. 33,531
3. I am personally responsible for prosecuting the above-referenced application, and make this declaration in support of the accompanying petition to withdraw holding of abandonment.
4. The official action dated March 8, 2002 was a restriction requirement. On March 14, 2002, the undersigned made a telephone call to the examiner, and responded to the election requirement via telephone.
5. A copy of the telephone bill, showing a call to the examiner's number on that date, is attached as Exhibit A.
6. Further, a handwritten note in the file of the undersigned, confirms that an election had been made via telephone. That note, written on the file copy of the action itself, is enclosed as Exhibit B. The note is dated March 15, 2002. The undersigned believes that either the date on the note was erroneously written as

that of the following day, or that the note itself was written on the following day. In either case, the note is clear contemporaneous evidence that a timely response was indeed made in this case.

7. For purposes of clarity, the note says:

"Responded by telephone  
-elect species (I) (client's ltr of 12/3/01)  
-All claims readable –  
BSL 3-15-02"

8. During a status call with the examiner prior to the formal issuing of the Notice of Abandonment, the examiner indicated that she has no record of this telephonic response. Nevertheless, the evidence submitted herewith indicates rather clearly that a response was indeed made. As examiners routinely accept telephonic responses to election requirements, in order to speed prosecution, applicants must be able to rely on this means of response as being sufficient.

All statements made herein on knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: October 22, 2002

  
Bruce S. Londa



OUTBOUND GENERIC CALL DETAIL REPORT

Bill Date: 04/01/2002

Taxes, Fees & Surcharges

Pre - Discounted Charges

Duration (MM:SS)

To Number

Place Called

From Number

Originating Location

Time

Date

03/07/2002	1:31 P NEW YORK,NY	6464876155	WASHINGTON,DC	203285300	1:39	D	\$0.15	\$0.08	\$0.01	\$0.09
03/08/2002	3:18 P NEW YORK,NY	6464876155	ARLINGTON,VA	7038924510	1:46	D	\$0.16	\$0.09	\$0.01	\$0.10
03/08/2002	3:18 P NEW YORK,NY	6464876155	ARLINGTON,VA	7038924510	1:46	D	\$0.16	\$0.09	\$0.01	\$0.10
03/12/2002	10:27 A NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033059509	1:04	D	\$0.10	\$0.05	\$0.00	\$0.05
03/12/2002	10:27 A NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033059509	1:04	D	\$0.10	\$0.05	\$0.00	\$0.05
03/12/2002	10:43 A NEW YORK,NY	6464876155	NEWKNSNGTN,P	7243396651	2:37	D	\$0.24	\$0.13	\$0.01	\$0.14
03/12/2002	10:43 A NEW YORK,NY	6464876155	NEWKNSNGTN,P	7243396651	2:37	D	\$0.24	\$0.13	\$0.01	\$0.14
03/12/2002	1:30 P NEW YORK,NY	6464876155	ALLEN TOWN,PA	4842391074	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/12/2002	1:30 P NEW YORK,NY	6464876155	ALLEN TOWN,PA	4842391074	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/13/2002	1:29 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033084533	1:28	D	\$0.13	\$0.07	\$0.00	\$0.07
03/13/2002	1:29 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033084533	1:28	D	\$0.13	\$0.07	\$0.00	\$0.07
03/13/2002	1:35 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033084413	1:59	D	\$0.18	\$0.09	\$0.01	\$0.10
03/13/2002	1:35 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033084413	1:59	D	\$0.18	\$0.09	\$0.01	\$0.10
03/13/2002	2:36 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033052272	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/13/2002	2:36 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033052272	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/13/2002	3:26 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033065685	1:18	D	\$0.12	\$0.06	\$0.01	\$0.07
03/13/2002	3:26 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033065685	1:18	D	\$0.12	\$0.06	\$0.01	\$0.07
03/13/2002	3:49 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033051878	0:48	D	\$0.07	\$0.04	\$0.00	\$0.04
03/13/2002	3:49 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033051878	0:48	D	\$0.07	\$0.04	\$0.00	\$0.04
03/14/2002	2:12 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033057270	1:47	D	\$0.16	\$0.08	\$0.00	\$0.08
03/14/2002	2:12 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033057270	1:47	D	\$0.16	\$0.08	\$0.00	\$0.08
03/14/2002	3:27 P NEW YORK,NY	6464876155	MEMPHIS,TN	9016826488	2:50	D	\$0.26	\$0.14	\$0.00	\$0.14
03/14/2002	3:27 P NEW YORK,NY	6464876155	MEMPHIS,TN	9016826488	2:50	D	\$0.26	\$0.14	\$0.00	\$0.14
03/15/2002	12:40 A NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033050045	3:22	D	\$0.30	\$0.17	\$0.01	\$0.18
03/15/2002	12:40 A NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033050045	3:22	D	\$0.30	\$0.17	\$0.01	\$0.18
03/15/2002	6:02 P NEW YORK,NY	6464876155	ALLEN TOWN,PA	4842391074	1:16	D	\$0.11	\$0.06	\$0.00	\$0.06
03/15/2002	6:02 P NEW YORK,NY	6464876155	ALLEN TOWN,PA	4842391074	1:16	D	\$0.11	\$0.06	\$0.00	\$0.06
03/18/2002	4:48 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033083973	1:53	D	\$0.17	\$0.09	\$0.01	\$0.10
03/18/2002	4:48 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033083973	1:53	D	\$0.17	\$0.09	\$0.01	\$0.10
03/19/2002	1:13 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033083224	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/19/2002	1:13 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033083224	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/19/2002	2:14 P NEW YORK,NY	6464876155	NEW HAVEN,CT	2038122935	0:44	D	\$0.07	\$0.03	\$0.01	\$0.04
03/19/2002	2:14 P NEW YORK,NY	6464876155	NEW HAVEN,CT	2038122935	0:44	D	\$0.07	\$0.03	\$0.01	\$0.04
03/19/2002	3:52 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033089111	0:58	D	\$0.09	\$0.05	\$0.00	\$0.05
03/19/2002	3:52 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033089111	0:58	D	\$0.09	\$0.05	\$0.00	\$0.05
03/19/2002	4:46 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7038729310	0:47	D	\$0.07	\$0.04	\$0.01	\$0.05
03/19/2002	4:46 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7038729310	0:47	D	\$0.07	\$0.04	\$0.01	\$0.05
03/20/2002	11:29 A NEW YORK,NY	6464876155	BUFORD,GA	6784823968	14:22	D	\$1.29	\$0.70	\$0.06	\$0.76
03/20/2002	11:29 A NEW YORK,NY	6464876155	BUFORD,GA	6784823968	14:22	D	\$1.29	\$0.70	\$0.06	\$0.76
03/20/2002	4:27 P NEW YORK,NY	6464876155	WASHINGTON,DC	2026386666	1:17	D	\$0.12	\$0.06	\$0.01	\$0.07
03/20/2002	4:27 P NEW YORK,NY	6464876155	WASHINGTON,DC	2026386666	1:17	D	\$0.12	\$0.06	\$0.01	\$0.07
03/20/2002	8:17 P NEW YORK,NY	6464876155	MT CLEMENS,MI	5862631487	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/20/2002	8:17 P NEW YORK,NY	6464876155	MT CLEMENS,MI	5862631487	0:30	D	\$0.05	\$0.03	\$0.00	\$0.03
03/21/2002	1:59 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033082332	1:48	D	\$0.18	\$0.09	\$0.01	\$0.10
03/21/2002	1:59 P NEW YORK,NY	6464876155	ALEXANDRIA,VA	7033082332	1:48	D	\$0.18	\$0.09	\$0.01	\$0.10

EXHIBIT "A"

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OCT 28 2002

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United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
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09/423,838

02/22/2000

PAULUS HUBERTUS, ANDREAS QUAX

~~2212.125/00~~

7213

7590

03/08/2002

NORRIS, MCLAUGHLIN & MARCUS P.A.  
220 EAST 42ND STREET, 30TH FLOOR  
NEW YORK, NY 10017

EXAMINER

WALICKA, MALGORZATA A

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 03/08/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

DEACTIVE Date: <u>4/8 (d)</u>
Recorded by: <u>Sm</u>

Responded by telephone

- elect species (i) (client's Hz of 12/3/01)

- All claims readable -

P582 3-15-02